

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

SYLVESTER YOUNG

PETITIONER

VS.

CIVIL ACTION NO. 4:07CV162 DPJ-JCS

RONALD KING

RESPONDENT

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court, and the Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge James C. Sumner be, and the same is hereby, adopted as the finding of this Court, and the same entire action should be dismissed without prejudice.

In addition, on June 18, 2008, Petitioner filed a document titled "Certificate of Appealability." Construing this filing as a motion for a certificate of appealability, the Court finds that petitioner's request should be denied. For the reasons stated in the Report and Recommendation, adopted by the undersigned, the Courts finds that a certificate of appealability should not issue because Petitioner has failed to make a substantial showing of the denial of a constitutional right.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED this the 30th day of June, 2008.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE